

F. Comparability

Title I

LEAs receiving Title I, Part A funds are required to assure compliance with comparability requirements and to maintain documentation that is available for audit or monitoring purposes. [NCLB §1120A(c)] A sample comparability report plus instructions for completing the report are provided in Section V of this manual.

An LEA may receive Title I, Part A funds only if it uses state and local funds to provide services in Part A schools that are at least comparable to the services provided in schools that are not receiving Part A funds. If the LEA serves all of its schools with Part A funds, the LEA must use state and local funds to provide services that are substantially comparable in each Part A school. An LEA may determine comparability on a districtwide basis or on a grade-span basis, according to the following guidelines:

- Even if all schools in the LEA or in a grade-span grouping are served, the LEA must demonstrate that it will use state and local funds to provide services that, taken as a whole, are substantially comparable in each school. For example, the LEA, in order to establish a comparison to determine that services are “substantially comparable,” may calculate ratios for the group of schools serving program areas with the lowest percentage of children from low-income families. The ratio for each of the other program schools would then be compared with the average calculated for the comparison group of program schools.
- Although there is no limitation on the number of grade spans an LEA may use, the number should match the basic organization of schools in the LEA. For example, if the LEA’s organization includes elementary, middle, and high schools, the LEA would have three grade spans.
- If there is a significant difference in the enrollments of schools within a grade span (i.e., the largest school in the grade span has an enrollment that is two times the enrollment of the smallest school in the grade span), the LEA may divide grade spans into a large school group and a small school group.
- The comparability requirement does not apply to an LEA that does not have more than one building for each grade span. An LEA may also exclude schools with 100 or fewer students from its comparability determinations.
- An LEA must establish and implement the following:
 - Districtwide salary schedule.
 - Policy to ensure equivalence among schools in teachers, administrators, and other staff.
 - Policy to ensure equivalence among schools in the provision of curriculum materials, and instructional supplies.

As an alternative, an LEA may meet the comparability requirement if it establishes and implements other measures for determining compliance such as student/instructional staff ratios or student/instructional staff salary ratios. For example, an LEA may do one of two things:

- 1) Compare the average number of students per instructional staff in each Part A school with the average number of students per instructional staff in schools not participating in Part A programs. A Part A school is comparable if its average does not exceed 110 percent of the average of schools not participating in Part A programs.
- 2) Compare the average instructional staff salary expenditure per student in each program school with the average instructional staff salary expenditure per student in schools not participating under Part A. A Part A school is comparable if its average is at least 90 percent of the average of schools not participating in Part A programs.

Note:

- *Staff salary differentials for years of employment **will not be included** in comparability determinations.*
- *An LEA need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services.*

Records

If the LEA files a written assurance that it has established and implemented a districtwide salary schedule and policies to ensure equivalence among schools in staffing and in the provision of materials and supplies, it must keep records to document that the salary schedule and policies were implemented and that equivalence was achieved among schools in staffing, materials, and supplies. If the LEA established and implemented other measures for determining compliance with comparability such as student/instructional staff ratios, it must maintain source documentation to support the calculations and documentation to demonstrate that any needed adjustment to staff assignments was made.

Developing Procedures for Compliance

An LEA must develop procedures for compliance with the comparability requirement and implement those procedures annually. An LEA is only required to document compliance with the comparability requirement biennially (every two years).

Determining Compliance

When determining compliance for comparability, an LEA may exclude state and local funds expended as follows:

- Bilingual education for limited English proficient (LEP) children.
- Excess costs of providing services to children with disabilities as determined by the LEA.

Note: Title I no longer permits any exclusion of supplemental state or local funds from the Title I comparability requirement.

